

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

~~**Wednesday, January 28, 2009, 9:30 a.m.**~~

**Wednesday, February 11, 2009, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, January 14 and 21, and February 4, 2009 Worksession.

Action: Approved, (CJS/DKP, 4-0).

2. **A-6187, Appeal of Mark Johnson** (Department of Permitting Services (DPS) – Revocation of Registered Home Occupation No. 234378). Letter to the Board from the appellant requesting a refund of the filing fee.

Action: Granted 100% (\$200.00) refund of the filing fee, (WSB/CJS), 4-0.

3. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation). Letter to the Board from Joseph Lynott, Esquire, withdrawing the administrative appeal.

Action: Dismissed the administrative appeal as withdrawn, (DKP/WSB, 5-0).

4. **CBA-722 [CBA-722-A, CBA-722-B, CBA-554, CBA-554-A, CBA-652, CBA-1113, S-245, S-245-A, S-245-B], Petition of Chevy Chase Club, Inc.** (private country club). Letters to the Board from Timothy Dugan, Esquire, submitting the temporary construction access plan, the overall site identification plan, and the forest conservation plan amendment. [Large exhibits: temporary construction access plan, overall site identification plan, forest conservation plan amendment/5 sheets].

Action: Re-opened record to included Mr. Dugan's letter with attachments, (DKP/CJS, 5-0).

5. **CBA-1202-A [CBA-1202], Petition of Bar-T Ranch, Inc.** (child day care facility). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification. [Large exhibits: site plan, revised special exception landscape and lighting plan].

Action: Granted the administrative modification, (CJS/SBB, 5-0).

6. **CBA-1337 [CBA-1337-A, CBA-1748, CBA-2578, S-11, S-185, S-386, S-386-A, S-788], Petition of Bethesda Country Club** (golf course/country club). Letter to the Board from Harry Lerch, Esquire and Stuart Barr, Esquire requesting an administrative modification. [Large exhibits: stormwater management and building permit site plan, specifications, lighting plan, emergency exit and lighting plan].

Action: Granted the administrative modification, (DKP/SBB, 5-0).

7. **CBA-1727, Petition of Cerebral Palsy Association of Montgomery County, Inc.** (charitable and philanthropic institution). Memorandum to the Board from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner's representative.

Action: Revoked the special exception as abandoned, (CJS/WSB, 5-0).

8. **S-289 [S-289-A, S-289-B], Petition of Little Falls Swim and Tennis Club** (community swimming pool). Letter to the Board from Thomas Corwin, Club President, submitting the minutes from the Community Liaison Council and Club member concerns.

Action: Re-opened the record to include member concerns and the minutes from the Club's Community Liaison Council, (DKP/WSB, 5-0).

9. **S-829, Petition of Potomac Polo Club, Inc.** (private club for polo). Letter to Board from James Clifford, Esquire requesting a transfer of the special exception.

Action: Item deferred for confirmation that markers have been installed at the special exception site, consensus.

10. **S-889, Petition of Goldenrod Limited Partnership** (hotel/motel). Letter to the Board from John Ratino, Esquire, requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (DKP/CJS, 5-0).

11. **S-1502, Petition of Magda S. French** (accessory apartment). Memorandum to the Board from Unray Peters, Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the property owner.

Action: Revoked the special exception as abandoned, (CJS/WSB, 5-0).

12. **S-1602, Girl Scouts of America** (private club). Letter to the Board from Susan Reutershan, Esquire, requesting a one-year extension to implement.

Action: Granted a one-year extension of time, (CJS/SBB, 5-0).

13. **S-1842, Petition of M. Hayri Cagri** (major home occupation). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked the special exception as abandoned, (DKP/CJS, 5-0).

14. **S-2299, Petition of APC Realty and Equipment** (telecommunications facilities). Letter to the Board from William O'Brien, Zoning Manager, requesting to collocate on an existing telecommunications facility.

Action: Granted the co-location of an additional provider at the special exception site, (SBB/CJS, 5-0).

15. **S-2648, Petition of Metropolitan Washington Orthodox Seniors Housing, Inc.** (housing for the elderly and the handicapped). Letter to the Board from Jody Kline, Esquire, requesting an extension of time to implement.

Action: Granted a one-year extension of time, (DKP/CJS, 5-0).

#### **DECISION ITEM:**

16. **S-2737, Petition of Marvin Heseok and He Sung Suo** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (CJS/DKP, 5-0).

#### **PENDING ITEMS:**

17. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].

**PENDING ITEMS (continued):**

18. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07 [Pre-hearing Conference held on 3/14/07].
10. **CBA-2521-I, Petition of Montgomery General Hospital** (hospital). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification [Large exhibits: existing conditions plan and zoning vicinity map]. Item deferred for Mr. Kline to contact homeowner's association regarding its concerns [W/S 10/8/08].
21. **S-179, David H. Shin (coffee shop)**. Letter to the Board from Sook Kim requesting a transfer of the special exception (Item deferred for additional information regarding ownership of special exception property, consensus [W/S 6/25/08]).
22. **S-1791, Petition of Melissa Martell Taylor** (private educational institution). Letter to the Board from Terry Lewis requesting a transfer of the special exception. Item deferred for (1) statement of operations; (2) confirmation the special exception will be operated in conformance with the Board's Opinion; (3) confirmation of the special exception holder [W/S 9/10/08].
23. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement [W/S 4/2/08].
24. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc [W/S 4/30/08].
25. **S-2699 and CBA-1660 [CBA-1660], Petitions of ExxonMobil Corporation** (automobile filling station). Hearing Examiner's Report and Recommendation. Also included is a letter to the Board from Jody Kline, Esquire, requesting oral argument or a rewording of Condition No. 16 in the Hearing Examiner's Report and Recommendation for Case No. S-2699 and requesting that special exception CBA-1660 be revoked as never implemented. (1) Granted request for oral argument; (2) deferred the Hearing Examiner's Report and Recommendation [W/S 9/24/08].

**Board Members**

Catherine G. Titus, Chair  
David K. Perdue, Vice Chair  
Walter S. Booth  
Carolyn J. Shawaker  
Stanley B. Boyd

**Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
Hermene Jones, Administrative Specialist

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**WORKSESSION ADDENDUM MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, February 11, 2009, 9:30 a.m.**

**ACTION ITEM:**

1. **A-6238, Appeal of Sligo-Branview Community Association, et al** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 467318). Letter to the Board from William Chen, Esquire, requesting that the administrative appeal proceedings be bifurcated. Also included is a letter to the Board from Ed Gehres, Esquire, requesting that the bifurcation specifically set forth precisely what will be addressed at the proceedings.

Action: Denied request to bifurcate the administrative appeal hearing, (DKP/CGT, 2-3).

2. **S-858 [S-858-A], Petition of the Treatment and Learning Centers, Inc. and Surjeet K. Singh** (child day care facility). Letter to the Board from Stephen Orens, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, (SBB/WSB, 5-0).

3. **S-990, Petition of John W. and Genevieve R. Travis** (accessory apartment). Letter to the Board from Lynn McCreary, Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked the special exception as abandoned, (CJS/DKP, 5-0).

4. **S-1277, Petition of Fox Chapel, LLC and Plamondon Enterprises, Inc.** (drive-in restaurant). Memorandum from Heather Gottke, Inspector, DPS, correcting the special exception's address.

Action: Item deferred for further clarification of the special exception's property address, consensus.

5. **S-2354, Petition of The Potomac Edison Company d/b/a Allegheny Power** (outdoor electric substation). Letter to the Board from John Syner, General Manager, submitting an updated 20-year plan for providing electric service.

Action: Re-opened the record to include Mr. Syner's letter with attachments, (SBB/CJS, 5-0).

6. **S-2471, Petition of Kids 'N Care Learning Center** (child day care facility). Motion for reconsideration and request for hearing from Clayton Townsend.

Action: The Board lacks jurisdiction to consider the reconsideration request.

#### **DECISION ITEM:**

7. **S-2739, Petition of Danny and Frayda Penini** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (DKP/CJS, 5-0).

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